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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/811,299

**Applicant(s)**

SHAPIRO, SAUL

**Examiner**

Luke S. Wassum

**Art Unit**

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. The Applicant's amendment, filed 3 May 2007, has been received, entered into the record, and considered.
2. As a result of the amendment, claims 1, 4-6, 8 and 9 have been amended, and new claims 14 and 15 have been added. Claims 1-15 are now pending in the application.

### *Priority*

3. The Applicant's claim to domestic priority under 35 U.S.C. § 119(e) based upon U.S. Provisional Application 60/457,676, filed 25 March 2003, is acknowledged.
4. The examiner notes that there is subject matter in the specification of the utility patent application which was not included in the provisional application. The priority dates of the claims will be determined on a claim-by-claim basis.

***Claim Objections***

5. In view of the amendments to claims 4 and 9, the pending claim objections are withdrawn.

***Claim Rejections - 35 USC § 112***

6. In view of the amendment to claim 8, the claim rejection under 35 U.S.C. § 112 is withdrawn.

***Claim Rejections - 35 USC § 101***

7. In view of the amendment to claim 8, the claim rejection under 35 U.S.C. § 101 is withdrawn.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. Claims 1, 2, 4, 5 and 8-14 are rejected under 35 U.S.C. 102(a) as being anticipated by **Family History Products[1]** ("Write an Autobiography for Yourself or Help a Parent or Grandparent With Theirs").

10. Regarding claim 1, **Family History Products[1]** teaches an interactive life time journal system as claimed, comprising:

- a) an information database store for keeping user journal data (see disclosure that the MemoryGrabber system is ideal for someone writing a journal of diary, said journal or diary constituting the claimed information database store, pages 10-11 et seq.); and
- b) an interface for prompting the user for collecting the user's life history, ideas, and stories according to a selected list of questions (see disclosure that MemoryGrabber provides a series of questions designed to prompt entry of events into a life timeline to preserve the user's unique life story, pages 1-4 et seq.), wherein the answers to the selected list of questions generate content for storage according to a selected template to generate associated memory content (see disclosure of templates to be selected as part of the

MemoryGrabber system, such as 'Early Childhood', 'My Early School Years', and 'Teenage Years', pages 7-8).

The examiner notes that to the extent that the claimed invention is for an *automated* system, it is a well settled rule that automating a known manual process that accomplishes the same result would be obvious to an ordinary artisan in order to make the performance of the process less labor intensive and faster. See *In re Venner et al.* (CCPA) 120 USPQ 192.

11. Regarding claim 9, **Family History Products**[1] teaches a digital archiving system comprising an interface for prompting a user for collecting the user's life history, ideas, and stories according to a selected list of questions (see disclosure that MemoryGrabber provides a series of questions designed to prompt entry of events into a life timeline to preserve the user's unique life story, pages 1-4 et seq.), adapted to archive for all of the user's important documents and life artifacts beyond the reach of a single lifetime (see disclosure that the MemoryGrabber system is a Life Story Workbook that'll keep your descendants talking for a century or more, page 1; see also disclosure that the

MemoryGrabber system can incorporate important documents, such as copies of birth and wedding certificates, page 14).

The examiner notes that to the extent that the claimed invention is for an *automated* system, it is a well settled rule that automating a known manual process that accomplishes the same result would be obvious to an ordinary artisan in order to make the performance of the process less labor intensive and faster. See *In re Venner et al.* (CCPA) 120 USPQ 192.

12. Regarding claim 2, **Family History Products[1]** teaches a system further comprising a product/service vendor tie-in system for connecting a user with a particular vendor related to a topic of interest or use to the user (see disclosure that MemoryGrabber provides links to web resources, page 5, under 'Resources'; see also page 13 under 'E-Books are Interactive').

13. Regarding claims 4 and 5, **Family History Products[1]** teaches a system further comprising at least one link to at least one service provider and vendor (see disclosure

that MemoryGrabber provides links to web resources, page 5, under 'Resources'; see also page 13 under 'E-Books are Interactive').

14. Regarding claim 8, **Family History Products[1]** teaches a system further comprising at least one link to at least one other user (see entry in Table of Contents 'Activity #2 Progressive Family Email', page 8).

15. Regarding claims 10-13, **Family History Products[1]** teaches a system wherein the system is divided into specific "Life Stage Concepts" selected from the group consisting of birth related, school age related, post school related, family related, relationship related, post family life related, and preparing for death related (see disclosure of the MemoryGrabber Table of Contents, including numerous "Life Stage Concepts", pages 7-8).

16. Regarding claim 14, **Family History Products[1]** teaches a system wherein the service provider provides at least one of coaching, advice and instruction services (see disclosure that MemoryGrabber provides links to web services that can help you find old friends, page 5, under 'Resources').



17. Claims 1, 2, 4, 5 and 8-14 are rejected under 35 U.S.C. 102(a) as being anticipated by the combined **MemoryGrabber/The Journal** product, as evidenced by **Family History Products[1]** ("Write an Autobiography for Yourself or Help a Parent or Grandparent With Theirs"), **DavidRM Software[1]** ("The Journal makes it Easy for you to Keep a Personal Journal or Diary!") and **DavidRM Software[3]** ("Introduction").

18. Regarding claim 1, the combined **MemoryGrabber/The Journal** product teaches an interactive life time journal system as claimed, comprising:

- a) an information database store for keeping user journal data (see disclosure of The Journal, allowing a user to keep a daily journal, **DavidRM Software[1]**, page 1 et seq.); and
- b) an interface for prompting the user for collecting the user's life history, ideas, and stories according to a selected list of questions (see disclosure that MemoryGrabber provides a series of questions designed to prompt entry of events into a life timeline to preserve the user's unique life story, **Family History Products[1]**, pages 1-4 et seq.), wherein the answers to the selected list of questions generate content for storage according to a selected

template to generate associated memory content (see disclosure of templates to be selected as part of the MemoryGrabber system, such as 'Early Childhood', 'My Early School Years', and 'Teenage Years', **Family History Products**[1], pages 7-8; see also disclosure that the MemoryGrabber add-on package in The Journal provides questions and prompts for the different parts of your life, and the answers are used to quickly and easily create a user's memoirs, **DavidRM Software**[3], pages 1-2; see also disclosure that the MemoryGrabber add-on package was available at least by 24 February 2003, **DavidRM Software**[3], pages 1-2).

19. Regarding claim 9, the combined **MemoryGrabber/The Journal** product teaches a digital archiving system (see disclosure of The Journal, allowing a user to keep a daily journal, **DavidRM Software**[1], page 1 et seq.) comprising an interface for prompting a user for collecting the user's life history, ideas, and stories according to a selected list of questions (see disclosure that MemoryGrabber provides a series of questions designed to prompt entry of events into a life timeline to preserve the user's unique life story, **Family History Products**[1], pages 1-4 et seq.), adapted to archive for all of the user's important documents and life artifacts beyond the reach of a single lifetime (see

disclosure that the MemoryGrabber system is a Life Story Workbook that'll keep your descendants talking for a century or more, **Family History Products[1]**, page 1; see also disclosure that the MemoryGrabber system can incorporate important documents, such as copies of birth and wedding certificates, **Family History Products[1]**, page 14; see also disclosure that the MemoryGrabber add-on package in The Journal provides questions and prompts for the different parts of your life, and the answers are used to quickly and easily create a user's memoirs, **DavidRM Software[3]**, pages 1-2; see also disclosure that the MemoryGrabber add-on package was available at least by 24 February 2003, **DavidRM Software[3]**, pages 1-2).

20. Regarding claim 2, the combined **MemoryGrabber/The Journal** product teaches a system further comprising a product/service vendor tie-in system for connecting a user with a particular vendor related to a topic of interest or use to the user (see disclosure that MemoryGrabber provides links to web resources, **Family History Products[1]**, page 5, under 'Resources'; see also **Family History Products[1]**, page 13 under 'E-Books are Interactive').

21. Regarding claims 4 and 5, the combined **MemoryGrabber/The Journal** product teaches a system further comprising at least one link to at least one service provider and vendor (see disclosure that MemoryGrabber provides links to web resources, **Family History Products[1]**, page 5, under 'Resources'; see also **Family History Products[1]**, page 13 under 'E-Books are Interactive').

22. Regarding claim 8, the combined **MemoryGrabber/The Journal** product teaches a system further comprising at least one link to at least one other user (see entry in Table of Contents 'Activity #2 Progressive Family Email', **Family History Products[1]**, page 8).

23. Regarding claims 10-13, the combined **MemoryGrabber/The Journal** product teaches a system wherein the system is divided into specific "Life Stage Concepts" selected from the group consisting of birth related, school age related, post school related, family related, relationship related, post family life related, and preparing for death related (see disclosure of the MemoryGrabber Table of Contents, including numerous "Life Stage Concepts", **Family History Products[1]**, pages 7-8).

24. Regarding claim 14, the combined **MemoryGrabber/The Journal** product teaches a system wherein the service provider provides at least one of coaching, advice and instruction services (see disclosure that MemoryGrabber provides links to web services that can help you find old friends, **Family History Products**[1], page 5, under 'Resources').

*Claim Rejections - 35 USC § 103*

25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

27. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Family History Products[1]** ("Write an Autobiography for Yourself or Help a Parent or Grandparent With Theirs") as applied to claims 1, 2, 4, 5 and 8-14 above, and further in view of **Ham** ("A New Baby Journal").

28. Regarding claims 3 and 6, **Family History Products[1]** teaches an interactive life time journal system substantially as claimed.

**Family History Products[1]** does not explicitly teach a system wherein said system is adapted to record an entire lifetime of information and data from conception to grave, although it does disclose a system for recording an entire life story, implying at least 'to grave', see disclosure that one could use MemoryGrabber to write one's own or a parent or grandparent's life store, page 11, first two bullets under 'Use MemoryGrabber to...'.

**Ham**, however, teaches that the best time to start a new baby journal is when you first plan to have a child (see 'When:', page 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to begin a journal beginning 'at conception' as claimed, since those early thoughts about what you as a parent will do are important (see 'When:', page 7 et seq.).

29. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined **MemoryGrabber/The Journal** product, as evidenced by **Family History Products**[1] ("Write an Autobiography for Yourself or Help a Parent or Grandparent With Theirs"), **DavidRM Software**[1] ("The Journal makes it Easy for you to Keep a Personal Journal or Diary") and **DavidRM Software**[3] ("Introduction") as applied to claims 1, 2, 4, 5 and 8-14 above, and further in view of **Ham** ("A New Baby Journal").

30. Regarding claims 3 and 6, the combined **MemoryGrabber/The Journal** product teaches an interactive life time journal system substantially as claimed.

The combined **MemoryGrabber/The Journal** product does not explicitly teach a system wherein said system is adapted to record an entire lifetime of information and data from conception to grave, although it does disclose a system for recording an

entire life story, implying at least 'to grave', see disclosure that one could use MemoryGrabber to write one's own or a parent or grandparent's life store, **Family History Products**[1], page 11, first two bullets under 'Use MemoryGrabber to...'.

**Ham**, however, teaches that the best time to start a new baby journal is when you first plan to have a child (see 'When:', page 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to begin a journal beginning 'at conception' as claimed, since those early thoughts about what you as a parent will do are important (see 'When:', page 7 et seq.).

31. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Family History Products**[1] ("Write an Autobiography for Yourself or Help a Parent or Grandparent With Theirs") as applied to claims 1, 2, 4, 5 and 8-14 above, and further in view of **Kliger et al.** (U.S. Patent 7,028,072).



32. Regarding claim 7, **Family History Products[1]** teaches an interactive life time journal system substantially as claimed.

**Family History Products[1]** does not explicitly teach a system wherein said system enables users to access myriad pertinent vendors, products and services, appropriate to various life stages and at the precise time they are needed.

**Kliger et al.**, however, teaches the practice of context-sensitive advertising, wherein a user would be able to access myriad pertinent vendors, products and services, appropriate to various life stages and at the precise time they are needed (see disclosure that advertisements can be customized based on various factors including a targeting profile, technographic information, historical preferences, geographic information, demographic information or user interaction, col. 1, lines 52-61 et seq.).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide links to vendors or services appropriate to the user, since this would allow the user access to vendors or services that were particularly useful to that particular user at that particular time (see col. 2, lines 26-48 et seq.).

33. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combined **MemoryGrabber/The Journal** product, as evidenced by **Family History Products[1]** ("Write an Autobiography for Yourself or Help a Parent or Grandparent With Theirs"), **DavidRM Software[1]** ("The Journal makes it Easy for you to Keep a Personal Journal or Diary") and **DavidRM Software[3]** ("Introduction") as applied to claims 1, 2, 4, 5 and 8-14 above, and further in view of **Kliger et al.** (U.S. Patent 7,028,072).

34. Regarding claim 7, the combined **MemoryGrabber/The Journal** product teaches an interactive life time journal system substantially as claimed.

The combined **MemoryGrabber/The Journal** product does not explicitly teach a system wherein said system enables users to access myriad pertinent vendors, products and services, appropriate to various life stages and at the precise time they are needed.

**Kliger et al.**, however, teaches the practice of context-sensitive advertising, wherein a user would be able to access myriad pertinent vendors, products and services, appropriate to various life stages and at the precise time they are needed (see disclosure that advertisements can be customized based on various factors including a targeting profile, technographic information, historical preferences, geographic information, demographic information or user interaction, col. 1, lines 52-61 et seq.).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide links to vendors or services appropriate to the user, since this would allow the user access to vendors or services that were particularly useful to that particular user at that particular time (see col. 2, lines 26-48 et seq.).

***Allowable Subject Matter***

35. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

36. The following is a statement of reasons for the indication of allowable subject matter:

The present invention is directed to an interactive lifetime journal system including a database for storing journal information and an interface for presenting the user with prompts or questions to collect the user's life history, ideas and stories.

The closest prior art of record, **Family History Products** through their MemoryGrabber product, teaches a system for creating an autobiography through the use of prompts and questions used to elicit the user's recollections, thoughts and ideas (see disclosure that MemoryGrabber provides a series of questions designed to prompt entry of events into a life timeline to preserve the user's unique life story, pages 1-4 et seq.).

However, **Family History Products** fails to anticipate or render obvious the recited feature of an interactive lifetime journal system comprising a central database for storing contact information of the user and another user, adapted so that each of the user and the other user can update their own contact information and access the other's contact information, as in claim 15.

While the concept of managing a centralized database of contact information was well known in the art, an ordinary artisan at the time of the invention would likely not have been motivated to incorporate such a feature into a lifetime journaling system as claimed, based upon the prior art of record.

### *Conclusion*

37. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Krieglstein** (U.S. Patent Application Publication 2006/0031245) teaches an interactive user journal with features to assist the user in generating a journal by providing interactive features such as suggestions, supportive statements, questions, instructions, and entertainment.

**Blood** ("Weblogs: A History and Perspective") gives a brief history of early weblogs.

**Family History Products[2]** ("Writing an Autobiography, Life Story or Family History the Fun, Fast and Easy Way!") teaches features of the MemoryGrabber system.

**Lee** ("Recording Your Life Story") teaches the purposes and process of writing a personal history.

**DavidRM Software[2]** ("The Journal Newsletter", February 2003) discloses that the MemoryGrabber eBook will be incorporated as an add-on into The Journal.

**Clark** ("Dawning Bulb") provides a review of a number of journaling software packages.

**Boyter** ("The MemoryGrabber™") is an eBook for recording a life history.

**DVO Enterprises** ("Personal Historian") discloses features of the Personal Historian software package.

**Wikipedia** ("Online Diary") is a Wikipedia entry describing online diaries, commonly today called blogs.

38. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and

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any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke S. Wassum whose telephone number is 571-272-4119. The examiner can normally be reached on Monday-Friday 8:30-5:30, alternate Fridays off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

In addition, INFORMAL or DRAFT communications may be faxed directly to the examiner at 571-273-4119. Such communications must be clearly marked as INFORMAL, DRAFT or UNOFFICIAL.

Customer Service for Tech Center 2100 can be reached during regular business hours at (571) 272-2100, or fax (571) 273-2100.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Luke S. Wassum  
Primary Examiner  
Art Unit 2167

lsw  
11 July 2007